App. F. IX-4

Previous References

1932.
(Mugrai)

File No. 207-22

Serial Nos. /

Later References
Mug. 187-30—1-8

General and Revenue Secretariat.

Serial Nos

Part B for November 1930.

SUBJECT.

A draft Government order in respect of the rules relating to Mugrai cases.

No 1537-8 dated 13. 10. 1922

To the Mug. Commr Coimbatore

Requests to submit a draft set of rules on the subject.

G. R. S. 11]

1922-23

GENERAL AND REVENUE SECRETARIAT.

(Misc)

NOTES.

File No. 207

FILE HEADING.

Murrai dales.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

G.R.S. III—8]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

A draft ~~of~~ Government Order proposed to be issued under the instructions of the Dewan in respect of the rules relating to Government sales, is herewith forwarded, with compliments, to the Secretary to Government, Muzrai Department, for favour of suggestions, if any, in respect of Muzrai sales (Vide pages 6 and 7 of the draft).

Bonjamin Thomas
21-7-37

Please see the notes in the Amendment

Ledger
Asst Settlement

21.7.37

NB --Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

G.R.S. [11 -3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Opinion of the Revenue Commissioner ~~as regards salem~~
on the draft order regarding Sales

2. As regards the draft order in general, if I may be permitted to make a suggestion, I would suggest that the proposed rules for the regulation of sales may be issued separately for each Department - particularly for the Revenue Department - instead of the sales relating to various Departments, such as Land Revenue, Excise, Forest etc., being dealt with in the same order.

Dewan's order thereon. 8/21.8.22

Please issue separate orders dividing up the draft. Revised drafts to be submitted.

Forwarded to the Muzrai Branch with a copy of the draft order for further action

By order
Srinivasachary
For Rev. Secy

28/8/22

G. R. S. III-2]

General and Revenue Secretariat.

File No. 207 of 1922

Serial No.

3 a draft order is subm^d for appd

8/9/22

(First Member) 11/8/22

2124-264
12.9 n

4 Draft approved.

When there is a Revenue Member exercising jurisdiction over Sy. Cantonments it is not quite correct to address the Cantt separately. This practice has not been given up under present conditions.

Dewan
14.9.22

(Dewan) 14/9/22

DEWAN'S OFFICE
Rec'd. on SEP 14 1922
No. 1794

5 With his submits to the Dewan the draft attd herewith

Secretary 14/9/22

6 The file was subm^d to the Dewan Sahib in pursuance of his order recorded on page 3 supra. May the draft order issue?

23/9/22

11-J-25-9-22

7 The Munz: Commr & Comptr to Govt No: 1537-8 & 13 Dec: 922 Cales for a set of rules for the Conduct of Munzeri Cales

8 Said this might be placed in the Dewan's record - 18/10/22

NOTE—Contn. sheet.

The 207-22 file
will shortly be closed
with SL 1 and recorded
as such up for reference
to current year's receipt
D.no. 29 from 1st to
30-31
from future will be given
for that no objection
may
5/11/30

5.11.30

Proceedings of the Government of H. H.
the Maharaja of Mysore.

Order -- No. 1537-8

Dated Bangalore, the 13 ~~Septr.~~ Feby. 1922

It has come to the notice of Government that officers of Government responsible for holding auction sales in the Muzrai Department do not exercise due deligence and care in conduct-ing the sales, with the result that the income of the Institution concerned is seriously affected. The following are among the sales conducted in connection with Muzrai Institutions:-

1. The right of cultivating lands endowed to Muzrai Institutions.
2. Gold and silver articles presented to temples when they are not melted or made use of for the benefit of the temples
3. Jaggory, rice, salt etc., which temples get when children and others are brought and weighed in ~~performance~~ fulfilment of vows.
4. The right of collecting Jatra fees.
5. The right to collect mudi and utsava kanikes.
6. Buildings; and
7. Lands.

Recd 14-9-22

2. As there are no specific rules governing Muzrai sales the Muzrai Commissioner is request-ed to submit for the approval of Government as early as practicable a draft set of rules on the subject.

8/9/22

Secretary to Government,
8-9-22 Revenue Depatt.

To

The Muz.Commr.in Mysore
~~The By.Commrs. of Dists.~~
The Comptroller to Govt.

If this draft is appd,
a typed draft will
be subt. for subn &
the Dy Min Mr Thomson

8/9/22

What is this?

8/9/22

Order

It shall come to the notice
of the Collector of Customs
responsible for levying and
collecting the duties in the Customs Act
do not exercise due
diligence and care in
conducting the sales, with
the result that the income
of the Institution concerned
or that due to Govt is
seriously affected. The
following are among
the Sales conducted in
the Coll: with incorrect
restrictions:—

1) The right of calculating
leads endorsed by
Mus: authority

2) Gold & Silver articles
packed & Cheques
when they are not
sealed or made use
of for the benefit
the benefit

3) Jaggy, nie, salt se
hein Kinfles set when
Chestnut + the, we
bring it + weighed
in [illegible] VDW-

4) The right of Colesberg
is to [illegible]
[illegible].

5) [illegible]
Mind + Heaven
have ke.
1) Body
2) Hands.

2) Where
[illegible] are no species
[illegible] Mammals
[illegible] forearms [illegible] dales.

[illegible]

[illegible]

[illegible]

[illegible]

Resp.

Vie

[illegible]

[illegible]

[illegible]

[illegible]

Proceedings of the Government of His Highness the Maharaja of Mysore.

O r d e r No.

Dated Bangalore, the August '22

It has come to the notice of Government that officers responsible for holding auction sales in the several departments of administration do not exercise due diligence and care in conducting the sale and fail to carry out the express rules and instructions laid down, with the result that Government revenue is seriously affected and loss of revenue is also caused in certain cases. The attention of the Heads of all the Departments concerned is now expressly drawn to this in order and Government now consider it necessary to revise the rules relating to all sales in a comprehensive manner and give additional instructions to ensure the essential compliance to the rules and proper safe-guarding of revenue. Any officer who is found to be negligent in carrying out the duties will, in future be held personally responsible for any loss in the revenue that may be caused to Government by the neglect or omission.

2. Auction sales conducted by the several departments of Government relate either to movable or immovable property or to valuable rights such as the right to collect tolls, fees in markets, fisheries amaroyi, such property belongs either to Government, or to private individuals. In the case of the latter, their sale by the

Government is invariably in connection with the realisation of Government revenue.

3. The main points to which attention has been paid in framing rules regulating these sales are the following:--

(1) Proper valuation of the property before sale.

(2) Fixing an upset price, bids below which are not to be accepted.

(3) Proper publication of the date of the sale and the description of the property.

(4) Conduct of sale by an officer duly authorised by rules and regulations in force.

(5) Confirmation of sale by an officer superior in standing to the officer conducting the sale.

(6) In regard to the sale of a right, the taking of proper security from the purchaser to ensure that he fulfils the terms of his contract and collecting in advance a part of the contract amount.

Appeals are also provided against the confirmation of certain sales or sales when regularly held in accordance with the several rules prescribed by Government and are not vitiated by any irregularity are not liable to be cancelled.

4. Revenue Sales. The Bihar Revenue Code contains provisions regulating the manner in which revenue sales should be held. (Sections 171, 172, 176-180 and 180). These rules prescribe the manner in which sales of property to recover arrears of revenue, cesses etc. should be conducted. All other revenue sales in respect of which specific rules are not prescribed should accordingly to Rule 26 of the Bihar

Revenue ~~Sales~~ Rules, be held under Section 171-186 of the Land Revenue Code. As regards the sale of grazing rights on unoccupied Government land, the sale has to be by auction unless Government order it otherwise. Under existing standing orders, this right has tobe offered to the -- villagers in the first instance for a sum calculated on the average realisations for the previous two or three years. If the villagers do not accept it, then alone is it to be sold by auction. Amarayi has to be sold by auction but in the majority of cases, no proper sale is held, the right being confirmed to the existing holder, who is generally one of the village servants on for a nominal price. The sale of a fishery in Government tanks in governed by Revenue Rule 17. Amildars hold sales of property the value of which is less than a thousand rupees, and Sub Divisional Officers conduct sales of property higher in value than a thousand rupees. All sales of immoevable property conducted by Amildars are subject to the confirmation of the Sub Divisional Officers and all sales held by Sub Divisional Officers are subject to the confirmation of the Deputy Commissioner. Sales of lands of small value (Rs. 100/- and below) and ~~party~~ petty items of Government miscellaneous revenue are held by Shekdars.

b. All landed property should be -- valued before it is put up for sale. This valuation, in practice, is not done. Even

the term up-set price is not clearly understood. A mahazar is drawn up but the estimate arrived at is not made with any reference to the prices of surrounding lands in the locality -- the market value. and invariably the valuation is much below the real value. It is necessary to fix average values of wet and dry land in each Taluk and or Pobli and up-set price must be fixed by the Revenue Commissioner in future in respect of all ~~xx~~ large blocks of land newly assigned for cultivation.

6. Rules regarding the publication of sale notices are given in Sections 171 and 172 of the Land Revenue Code. No such sales shall take place on a general holiday recognised by Government, nor until after the expiration of at least 30 days in the case of immovable property sold ~~by~~ for arrears of revenue or seven days in the case of movable property or of sales of occupancy of Government lands, from the latest date on which any of the prescribed notices were published. In the case of Inam Villages the fact of sale is notified in the Gazette also. In addition to the existing provisions, it should be clearly laid down that whenever a property is worth more than Rs.5,000, the sale notice should be published in the Gazette as well as in the local newspapers. It should be widely circulated in the neighbouring villages also and the printed notice sent to the Deputy Commissioners of other districts for giving publicity

in all Revenue Offices.

7. At present, the Deputy Commissioners do not hold any sales. Section 173 lays down that the sales shall be held by such persons as the Deputy Commissioners authorise. Government now direct that in all cases in which large extents of land exceeding 200 acres are sold, the sale should be held by the Deputy Commissioners themselves.

8. As regards sales for arrears of revenue Section 172 lays down that the notice of sale should be affixed to the defaulter's dwelling place. The term "defaulter" is defined in Section 153 as meaning the person responsible for the payment of of the revenue. The person who is responsible is, according to Section 142, the registered occupant. The registered occupant, is often not the actual owner. Notice should be issued in future in all such cases on the land itself as well. The service of notice should be duly authenticated. All other revenue sales by the Land Revenue Department should be conducted on the same principles, the most important of which are widest publicity, sufficient notice and proper valuation. Appeals against the sale should be few if sales are regularly held and bids received after the sale should, as a rule, be rejected.

9. T o l l s:- All tolls fall under one or other of the following three classes:-

Municipal tolls,

Local Boards tolls and

Government tolls.

Government tolls and Local Boards tolls are

an outsider, at least 2 sureties owning property in Mysore should be insisted upon.

(d) The agreement should provide that al arrears as regards Government and District Board tolls may be recovered as an arrear of Land Revenue / Municipal as the case may be.

Similar precautions should be taken whenever market fees or jatra fees ar farmed out.

10. Muzrai sales:- The sales under this hs head relate to:-

(1) The right of cultivating lands - endowed to Muzrai institutions

(2) Gold and silver articles presented to temples when they are not melted or made use of for the benefit of the temples

(3) Jaggery, rice, salt etc., which temples get when children are brought there and weighed in performance of vows,

(4) The right of collecting jatra fees (in some institutions)

(5) The right to collect mudi and utsava kanikkes.

(6) Buildings, and

(7) Lands.

There are no specific rules governing them. The sales are generally held by the Amildars under conditions which are prescribed by the Sub Divisional Officer A definite set of rules should be prescribed in respect of these sales and a draft notification should now be submitted for the approval of Goverament by the Muzrai Superintendent.

11. Forest sales. All produce collected by the Forest Department sold in one of three following forms:--

(1) Sale by auction

(2) Sale for an upset price at depots

(3) Sale by the issue of licenses granting the right to collect

12. Auction sale of timber:-- This is regulated by Government Order No. R.1715/Ft. 158-10-3, dated 18th September 1911 as modified by R. 2782/Ft. 45-12-3, dated 20th November 1912. In this case minimum prices are fixed by the Conservator of Forests and they are confidentially communicated to the sale-conducting officer. The sale is held by the District Forest Officer or a Forest Officer not below the rank of a sub Assistant Conservator, specially authorised. Until further orders Government direct that all timber sales, the value of which is more than Rs. 500 should be held by the District Forest Officer and upset prices should be fixed by the Conservator of Forests invariably in each case.

13. Sale of tangadi and kakke bark:- This is regulated by Government Order No. I.C. 2128/Ft. 82-21-3, dated 30th September 1921. The sale is held by the District Forest Officer but it is subject to confirmation by the Conservator of Forests The purchasers have got to produce a Certificate of solvency and after they purchase the right, they are required to execute an agreement before they are given the right of collecting the property. No transfer of sub-letting by the purchaser is permitted without the permission of the Conservator. An initial payment of Rs. 500 or one-fourth of the annual bid, whichever is less, is allowed

upon an o security deposit, the bal nce of the bid amount being recov red in four instalments. In regard to this revenue there has been a great deal of mismanagement in the past. The Conserv tor of Forests is requested to frame and submit for the orders of Government a definite set of rules for proper security being taken from the said bidders.

14. Sale of elephants and of Ivory. The sale of elephant and of ivory should in future be held by the Conservator of Forests.

15. Sale of Minor Forest Produce in State Forests and District Jungles:- This is now held by the Range Officer conjointly with the Amildar. In future such sales should be held by an officer not below the rank of a District Forest -- ner Officer in State Forests and Sub Assistant Conservator in District Jungles.

16. There are also the following other sales held by the Forest Department:-

(1) Sale of right of grazing in State Forests and plantations.

(2) Sale of right of collecting lac

(3) do. of collecting Bhupa seeds.

The Conservator of Forests is requested frame a definite set of rules in respect of these sales also.

17. Excise sales:- Excise sales are regulated by the rules issued with Government Order No. 1208/Ex. 18-9, dated 28th February 1920. The recent auctions in

disclosed the fact that bidders do not come forward in the first instance with proper bids and offer later higher bids after the auction is over. The sales must have a finality so long as they are properly held and if there is combination or other cause presumably to defeat the sale, the orders of Government should be obtained for resale in every case. No individual bids should be received after the sale. In the case of Excise sales, where the realisations fall short of the previous three years average by 10 per cent or more, they should be reported to Government for confirmation. This will give the Government an ~~xxx~~ opportunity of examining the cases that led to any such noticeable fall in the bids.

18. In order to secure uniformity of practice and to ensure that the correct procedure is followed in all cases, the standard forms, containing the conditions of sale in each department should be submitted for the approval of Government. On approval they will be printed in the Government Press and supplied to the departments concerned on indent.

Secretary to Government,
Revenue Department.

To

The Revenue Commissioner in Mysore.
The Excise Commissioner in Mysore.
The Conservator of Forests in Mysore.
The Mazrai Superintendent.
The Chief Engineer in Mysore.
The Deputy Commissioners of Districts.
The Presidents of Bangalore and Mysore Municipalities.
The Comptroller to Government.
The Superintendent, Government Press.
The Secretaries to Government.
Press Table.